



## VARIANCE APPLICATION

CASE NUMBER \_\_\_\_\_ DATE \_\_\_\_\_

FEE PAID \_\_\_\_\_

City of Edina Planning Department \* [www.cityofedina.com](http://www.cityofedina.com)  
4801 West Fiftieth Street \* Edina, MN 55424 \* (952) 826-0369 \* fax (952) 826-0389

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FEE: RES - \$350.00 NON-RES - \$600.00

**APPLICANT:**

NAME: \_\_\_\_\_ (Signature required on back page)

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

**PROPERTY OWNER:**

NAME: \_\_\_\_\_ (Signature required on back page)

ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

**LEGAL DESCRIPTION OF PROPERTY (written and electronic form):**

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\*\*You must provide a full legal description. If more space is needed, please use a separate sheet.

Note: The County may not accept the resolution approving your project if the legal description does not match their records. This may delay your project.

**PROPERTY ADDRESS:** \_\_\_\_\_

**PRESENT ZONING:** \_\_\_\_\_ **P.I.D.#** \_\_\_\_\_

**EXPLANATION OF REQUEST:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Use reverse side or additional pages if necessary)

**ARCHITECT: NAME:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**SURVEYOR: NAME:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. Please fully explain your answers using additional sheets of paper as necessary.**

**The Proposed Variance will:**

**YES**

**NO**

**Relieve an undue hardship which was not self-imposed or a mere inconvenience:**

☐☐

**Correct extraordinary circumstances applicable to this property but not applicable to other property in the vicinity or zoning district.**

☐☐

**Preserve a substantial property right possessed by other property in the vicinity and zoning district.**

☐☐

**Not be materially detrimental to the public welfare or injurious to other property in the vicinity or zoning district.**

☐☐

**Detailed Application Requirements:** Unless waived by the Planning Department, you must complete all of the following items with this application. An incomplete application will not be accepted.

- \_\_\_ Completed and signed application form.
- \_\_\_ Application fee (not refundable). Make check payable to "City of Edina."
- \_\_\_ One (1) Copy of drawings to scale.
- \_\_\_ Seven (7) 11x17 copies of drawings, including elevations and survey, photographs and other information to explain and support the application.
- \_\_\_ A current survey is required. Please refer to "Exhibit A."
- \_\_\_ Variance requests require scale drawings to explain and document the proposal. The drawings are not required to be prepared by a professional, but must be neat, accurate and drawn to an acceptable scale. The drawings may vary with the proposal, but should include a site plan, floor plans and elevations of the sides of the building which are affected by the variance.

## **VARIANCE GUIDELINES AND APPLICATION INFORMATION**

The City of Edina Planning Department encourages healthy development within the city of Edina. Although this document is meant to serve as a guide for the application process for development through the Planning Department it is by no means comprehensive. The Planning Staff recommend that you schedule a meeting to answer any questions or to discuss issues that may accompany your project. It is much easier to tackle problems early on in the process. The office number for the Planning Staff is (952) 826-0465.

### **Variance Information**

The Edina Zoning Board has been established to consider exceptions (variances) from the Land Use, Platting and Zoning Ordinance (Number 850), the Antenna Ordinance (Number 815), the Sign Ordinance (Number 460) and the Parking and Storage of Vehicles and Equipment Ordinance (Number 1046).

The variance procedure is a "safety valve" to handle the unusual circumstances that could not be anticipated by these ordinances. The board is charged to only grant a petition for a variance if it finds:

1. that strict enforcement of the ordinance would cause undue hardship because of circumstances unique to the petitioner's property
2. that the granting of the variance is in keeping with the spirit and intent of the ordinance.

Undue Hardship means that:

1. the property in question cannot put to a reasonable use as allowed by the ordinance
2. the plight of the petitioner is due to circumstances unique to his/her property which were not created by the petitioner
3. the variance, if granted, will not alter the essential character of the property or its surroundings.



**\*\*Economic considerations alone shall not constitute an undue hardship if reasonable use for the petitioner's property exists under the terms of the ordinance.**

**Application:** Applications are submitted to the Planning Department. Offices are open Monday through Friday, 8 AM to 4:30 PM.

**Deadlines for Applications:** Applications need to be submitted at least **fifteen days** before the meeting. This allows the City of Edina time to notify surrounding property owners of the date of the hearing and details of the variance. It is helpful to submit the application as soon as possible to secure an early hearing position.

**Notice of Public Hearing:** Notice is mailed to all property owners (of record at City Hall) that are located within 200 feet of the site. Notice is mailed ten (10) days prior to the hearing. You are encouraged to contact adjacent or close owners and advise them of your proposal prior to the notice of the hearing. You may wish to provide statements of "no objection to the variance" from the nearby property owners.

**Meetings and Public Hearings:** Meetings of the Zoning Board are scheduled on the first and third Thursday of each month. The meetings are held at 5:30 pm in the Edina City Hall Council Chambers, 4801 West 50<sup>th</sup> Street. ***Each meeting is limited to five variance cases on a first come, first serve basis.*** Additional requests are delayed until subsequent meetings. Meetings are formal public hearings with a staff report, comments from the proponent and comments from the audience. It is important the owner or a representative attend the meeting to answer questions.

**Staff Report:** After review of the drawings submitted and a visit to the site staff prepares a report. This report, along with any supporting drawings and materials, are sent to the Zoning Board in advance of the meetings. Board members may visit the site before the meeting. All plans, emails and written information are public information, and may be used in the staff report and distributed to the public.

**Board Membership:** Five Edina residents, most of whom are members of the Planning Commission serve on the Zoning Board on a rotating basis. Three members are required for a quorum.

**Decisions by the Zoning Board:** The Zoning Board may approve, deny or amend the variance request and establish conditions to ensure compliance or protect surrounding property owners. The Zoning Board generally makes a decision at the scheduled hearing. Occasionally, however, a continuance to another meeting may be necessary.

**Appeals:** Decisions of the Zoning Board are final unless appealed to the City Council in writing within 10 days. The proponents, any owner receiving notice of the hearing or the staff may appeal decisions. Appeals are rare and they can be time consuming because a new hearing is required before the full City Council. Appeals must be filed with the City Clerk.

**Legal Fee:** It is the policy of the City to charge applicants for the actual cost billed by our attorneys for all legal work associated with the application. An itemized bill will be provided which is due and payable within thirty (30) days.

**\*\* Filing an Approved Variance:** The applicant is required to file an approved variance resolution with the County. Documents necessary for filing will be provided by the Planning Department.

**APPLICANT'S STATEMENT**

This application should be processed in my name, and I am the party whom the City should contact about this application. By signing this application, I certify that all fees, charges, utility bills, taxes, special assessments and other debts or obligations due to the City by me or for this property have been paid. I further certify that I am in compliance with all ordinance requirements and conditions regarding other City approvals that have been granted to me for any matter.

I have completed all of the applicable filing requirements and, to the best of my knowledge, the documents and information I have submitted are true and correct.

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**Applicant's Signature****Date****OWNER'S STATEMENT**

I am the fee title owner of the above described property, and I agree to this application.

(If a corporation or partnership is the fee title holder, attach a resolution authorizing this application on behalf of the board of directors or partnership.)

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**Owner's Signature****Date**

***Note. Both signatures are required (if the owner is different than the applicant) before we can process the application, otherwise it is considered incomplete.***